



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:tj

Docket No: 1423-99

24 August 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS Memorandum 7220 Ser N130C/145-99 of 6 August 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
7220
Ser N130C/ 145-99
6 Aug 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Ref: (a) SECNAVINST 1050.5C

Encl: (1) BCNR Case File #01423-99 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.

2. The petitioner is requesting reinstatement of 13.5 days leave he lost at the end of FY-97 while stationed on board USS GUAM (LPH 9).

3. Enclosure (1) indicates that the petitioner lost 13.5 days of leave at the end of FY 97 because he did not take leave before he reported to USS GUAM on SEP 97, due to the ship's upcoming deployment. Per reference (a), the petitioner qualifies to accrue up to 90 days earned leave if his ship because of operational requirements, deploys or operates away from its designated homeport or home base for a continuous period of at least 60 days, thus preventing the petitioner to use his earned leave before it was lost at the end of FY-97.

4. The petitioner was assigned to USS GUAM and served on board less than 60 consecutive days prior to the end of FY 97, therefore, he does not qualify for special leave accrual for FY 97 IAW reference (a).

A handwritten signature in black ink, appearing to read "H. P. Watson", is located below the main body of text.

H. P. Watson
Assistant Head, Pay and
Allowances Section (N130C)